

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**IN RE: GRANULATED SUGAR
ANTITRUST LITIGATION**

Case No. 24-md-3110 (JWB/DTS)

This Document Relates to:

*All Consumer Indirect Purchaser Plaintiff
Actions*

**APPLICATION BY PETER PRIETO OF PODHURST ORSECK, P.A.
FOR MEMBERSHIP ON PLAINTIFFS' STEERING COMMITTEE**

Peter Prieto of Podhurst Orseck, P.A., pursuant to this Court’s Pretrial Order No. 3, submits his application to serve on the Plaintiffs’ Steering Committee (“PSC”).

1. *Peter Prieto and Podhurst Orseck, P.A.* For over 30 years, Mr. Prieto, a former Assistant United States Attorney, has focused his practice on complex litigation with an emphasis on class actions, antitrust, and MDLs. Mr. Prieto not only understands the substantive law and theories underlying class action and antitrust law, but having tried more than 30 cases to verdict, has the unique experience required to handle this case through trial in the event it is not resolved. According to *Chambers*, which has ranked Mr. Prieto in Band 1 for several years, Mr. Prieto has been described by his peers as “extremely strategic and thoughtful,” and as a “supremely qualified and experienced trial lawyer” who is “easy to work with.” For his successful leadership of the *Takata Airbag Product Liability Litigation* MDL, Mr. Prieto was identified as one of three Attorney of the Year finalists by ALM’s *Daily Business Review*, and by *Latino Leaders* Magazine as a “Top Latino Lawyer.”

Since its founding over half a century ago in Miami, Florida, Podhurst Orseck has focused its practice on MDLs, product liability, antitrust, and class action litigation. *Chambers* has described the firm as an “undeniably brilliant trial and appellate boutique” and “outstanding in any kind of litigation.” If selected to serve on the PSC, Mr. Prieto would be supported by Matthew Weinshall and Dayron Silverio, former federal law clerks with significant trial experience.

2. *Professional Experience In This Type of Litigation.* Mr. Prieto and Podhurst have a wealth of experience in antitrust, class action litigation, and MDLs. The following are a few examples:

a. *In re: Farm-Raised Salmon and Salmon Products Antitrust Litigation*, Case No. 19-21551-CIV (S.D. Fla) (Altonaga, J.): Mr. Prieto and Podhurst served as co-lead counsel in this consolidated antitrust class action in which a class of direct purchasers of salmon alleged that the world's largest salmon farming companies had conspired to fix the prices of Norwegian farm-raised salmon. After 3 years of intense litigation, a class settlement totaling \$85 million was reached.

b. *In re: Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406 (N.D. Ala.) (Proctor, J.): Podhurst, through Aaron Podhurst as a member of Plaintiffs' Steering Committee and Mr. Prieto as Chair of the Experts Committee, has been involved in one of the largest antitrust cases ever brought, in which a class of healthcare providers allege that dozens of Blue Cross/Blue Shield health insurers have violated federal antitrust laws by price fixing and horizontally allocating markets.

c. *Arrington v Burger King Worldwide, Inc.*, Case No. 18-24128-CIV (S. D. Fla.) (Martinez, J.): Mr. Prieto serves as liaison counsel and a member of the Plaintiffs' Steering Committee in this class action in which a class of Burger King employees allege that Burger King violated the antitrust laws by entering into no-hire agreements with its franchisees that restricted the ability of each entity to hire employees of other franchisees.

d. *In re: Takata Airbag Product Liability Litigation*, MDL No. 2599 (Moreno, J.): Mr. Prieto currently serves as Plaintiff's Chair Lead Counsel and oversees all economic loss class actions and personal injury cases in this MDL, which concerns rupturing and overly aggressive deployments of airbags manufactured by Takata and installed in the vehicles of numerous automobile manufacturers. This defect resulted in the largest and most complex recall in U.S. history. To date, Mr. Prieto, along with other firms, has secured settlements totaling over \$1.5 Billion with 8 automobile manufacturers.

3. *Ability To Work Cooperatively With Others.* Willingness and ability to work well with other counsel, *i.e.*, being a team player, is considered by some to be "[t]he primary factor in choosing lead counsel or . . . membership on a steering committee." Hon. Stanwood R. Duvall, Jr., *Considerations In Choosing Counsel For Multidistrict Litigation Cases and Mass Tort Cases*, 74 La. L. Rev. 391, 392 (Winter 2014). Throughout his career, Mr. Prieto has prided himself on working collaboratively with others, including opposing

counsel. It is because of this ability that he has served in leadership at (1) Podhurst, as head of its class action practice; (2) the United States Attorney's Office for the Southern District of Florida, as Deputy Chief in the Economic Crimes Section, and (3) as firmwide Chair of Litigation at Holland & Knight LLP, a 1,700-lawyer firm. *Chambers* recently confirmed his cooperative nature, describing Mr. Prieto as "a strong leader" who can "put together a disparate team in multidistrict litigation and can manage complex litigation working with multiple firms."

4. *Willingness And Ability To Commit To A Time-Consuming Project:* Mr. Prieto and Podhurst are willing and have the ability to commit to a time-consuming project.

5. *Other Relevant Considerations:* The following judges should be able to discuss Mr. Prieto's qualifications to serve: (1) The Honorable Cecilia M. Altonaga: Cecilia_Altonaga@flsd.uscourts.gov; (305) 523-5510; (2) The Honorable Federico A. Moreno: Federico_A_Moreno@flsd.uscourts.gov; (305) 523-5110; and (3) The Honorable Roy K. Altman: Roy_Altman@flsd.uscourts.gov; (305) 523-5680.

A steering committee should be diverse generally but also geographically. *See* Hon. Stanwood R. Duvall, Jr., *Considerations in Choosing Counsel For Multidistrict Litigation Cases and Mass Tort Cases*, 74 La. L. Rev. at 393. Such geographic diversity is particularly important here when it comes to Florida, because several potential defendants, ASR Group, ASR, and Domino, all have their principal places of business in the Southern District of Florida and Florida produces 50% of all American sugarcane. Accordingly, the Plaintiffs' Steering Committee should have at least one Florida-based lawyer and firm.

Dated: September 30, 2024

Respectfully submitted,

By: /s/ Peter Prieto

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And Heidi Humphreys***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application of Peter Prieto of Podhurst Orseck, P.A. for Membership on Plaintiffs' Steering Committee was served on this 30th day of September 2024 *via* the Court's electronic notification system.

By: /s/ Peter Prieto

Peter Prieto